IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39717 of 2008
RAKESH KUMAR
Versus
STATE OF BIHAR

For the petitioner : Mr. Birendra Kumar, Advocate
For the State : Mr. Upendra Kumar, A.P.P.

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3 12.12.2008 Heard.

A supplementary affidavit has been filed which has been taken on record.

The petitioner seeks bail in a case instituted under sections 302 , 201/34 of Indian Penal Code.

Counsel for the petitioner submits that on conclusion of investigation, final report was submitted under section 306 of the Indian Penal Code. He refers to Annexure-3 of the supplementary affidavit in order to support the said contention.

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As per the F.I.R., informant's sister (deceased) was killed by her in-laws including the husband, mother-in-law and sisters-in-law. The petitioner is *Bhagina* (sister's son). Admittedly the informant is not eye witness to the occurrence. The ocular account of the occurrence can be seen from the statement made by one of the sons of the deceased namely Vivek Kumar. He made statement under section 164 Cr.P.C. which has been enclosed as Annexure-2. A perusal of the said statement indicates that he did not name the petitioner as one of the persons involved in killing of his mother.

Counsel for the petitioner submits that the other two

co-accuseds namely Kiran Devi and Sunita Devi have been released on bail. In this connection, he draws attention of the Court to the order contained in Annexure-4 to the supplementary affidavit. It appears therefrom that Kiran Devi has been released on regular bail vide order dated 2.12.2008 passed in Cr. Misc. No. 44298/2008 whereas Sunita Devi was released on anticipatory bail under order dated 29.9.2008 passed in Cr. Misc. No. 37289/2008. It is further submitted that the petitioner is in custody since 12.8.2008.

Having regard to the facts appearing on record, particularly the statement of son of the victim referred to above, this court is inclined to enlarge the petitioner on bail. Let the petitioner abovenamed be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Patna in connection with Parsa Bazar P.S. case no. 94/2008.

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pkj **(Kishore K. Mandal, J)**